



2859

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Scott D. Landes Attorney File: 5482
Serial No.: 09/710,966 Examiner: Courson, Tania C
Filed: 1/14/2000 Group: 2589
For: Anchoring Marker Post

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents P.O. 1450 , Alexandria VA 22313-1450 on JANUARY 18, 2004 by applicant's attorney, Carl L. Johnson.

Carl L. Johnson
Carl L. Johnson

JANUARY 18, 2004

Honorable Commissioner of Patents
P.O. Box 1450, Alexandria VA 22313-1450

REMARKS

The applicant has received and reviewed the office action wherein the office withdrew the prior rejection and has now rejected the claims on new art. In addition the office has for the first time raised objections to the form and nature of the claims.

The applicant acknowledges the options presented by the office and elects to hold in abeyance the appeal until the applicant has had an opportunity to address the newly cited art.

More specifically, the office stated that "claims 1, 3-5,7 and 11 are rejected under 35 U.S. C. 103 as being anticipated by Ronden (U.S.4,078,867) in view of Humphrey et al (US 4,084,914)" It is assumed that the office meant to say "obvious" rather than "anticipated".